IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 15269 OF 2007(P)
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PETITIONER:
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K.C.JOSEPH, S/O.CHUMMAR,
MAAR MARCY LUCKY CNETRE,
KAREPARAMBIL ARCADE, STADIUM JUNCTION,
PALA, KOTTAYAM.

BY ADV. SRI.K.I.SAGEER

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
PALA POLICE STATION, PALA.

2. DY.SUPERINTENDENT OF POLICE,
PALA, KOTTAYAM.

3. SHOJI GOPI, PRESIDENT,
YOUTH CONGRESS (I), CONGRESS MANDALAM
COMMITTEE OFFICE, PALA.

4. M.B.HARIDAS, NALLALE HOUSE,
EDAMATTOM, PALA.

5. M.G. MATHEW, MURINGOTTU HOUSE,
CHERUPUNGAL, PALA.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
R1 & R2 BY GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER'S EXHIBITS:**

EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 11.5.2007 SUBMITTED BEFORE THE 1ST RESPONDENT BY THE PETITIONER.

RESPONDENTS' EXHIBITS:

EXT.R5(a) TRUE COPY OF THE FINAL REPORT FILED BY THE POLICE IN CRIME NO. 144/2006 DATED 20.3.2006 OF PALA POLICE STATION.

EXT.R5(b) TRUE PHOTOCOPY OF THE NEW REPORT THAT APPEARED IN MALAYALA MANORAMA DAILY DATED 16.5.2007.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO.15269 OF 2007

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DATED THIS, THE 5TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner is said to be a lottery agent. He had some business connections with Respondents 4 and 5 earlier in running the said business. According to him, respondents 4 and 5 committed certain irregularities and hence the partnership was dissolved and he started a proprietorship business thereafter. Respondents 4 and 5 are not happy with this and they are threatening and intimidating the petitioner to give a share in the lottery agency to them. They have resorted to a strike and are trying to pressurize the petitioner to accede to their demand. Even though Ext.P1 representation was made before the first respondent seeking police aid, police did not intervene.

2. Learned Government Pleader appearing on behalf of respondents 1 and 2, on instructions, submitted that pursuant to Ext.P1 though police asked the petitioner and the respondents to appear before them they did not do so. Now the petitioner submits that he is prepared to appear before the police. If he has got any complaint against respondents 3 to 5, he is free to

submit a written complaint to the police who shall, if the complaint discloses a cognizable offense, register a case and proceed in accordance with law and afford necessary protection. Though the party respondents have a case that petitioner is conducting single digit lottery, no materials are placed before us and further, if the petitioner is carrying on any business illegally, it is for the respondents to raise such complaints before appropriate authorities. We make it clear that if there is any threat regarding the partnership between the petitioner and the third respondent, that is a matter to be agitated before appropriate forum.

The writ petition is closed.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-